

IN SENATE OF THE UNITED STATES.

DECEMBER 21, 1847.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

[To accompany bill S. No. 23.]

The Committee on Claims, to whom was referred the petition of Mary L. Keen, alleging herself to be the administratrix of Elisha L. Keen, by her agent, Charles De Selding, report:

That the claim is for disbursements alleged to have been made by Elisha L. Keen, in the years 1813 and 1814, as an employee of the Navy Department, in recruiting seamen for the navy at New York, and in conveying, by order of his superior officers, a party of twenty-two recruits from New York to the lakes. His advances for the transportation of said recruits, it is said, amounted to \$594. It is alleged that Elisha L. Keen preferred his claim to the officers of the navy whose duty it was to see him paid at the time, and that his documents and vouchers were placed with Purser Beale, who filed them when he settled his accounts with the Fourth Auditor, some time after; and that in consequence, on such settlement, a credit was entered to said Elisha L. Keen for said sum on the Fourth Auditor's books, which yet stands to his credit and does not appear to have been paid to him or any other person; and also that the documents and vouchers connected with the account were destroyed at the burning of the treasury building in 1833—the journal containing the entry of the credit having been preserved. The certificate of Mr. Dayton, Fourth Auditor, dated December 7, 1846, proves these facts. A letter from Commodore Kearney to claimant's agent is the only other evidence of the fact of Mr. Keen's employment or appointment, and this is not explicit or certain. The affidavit of Elisha L. Keen, made at New Orleans, September 5, 1846, stating his case fully, and to which is appended a certificate of several respectable citizens of that city, testifying to Mr. Keen's good character, is filed with the papers. Mr. Keen's petition was presented at the last session of Congress to the Senate, and on February 19, 1847, a report was made in his favor from the Committee on Claims, (Senate Reports, No. 160, accompanied by a bill, No. 169,) which, however, owing to the late hour of the session

at which it was reported, was not acted upon. Since then Mr. Keen has died, and petitioner is alleged to be his administratrix, but no letters of administration have been filed. Reasons are given in Mr. Keen's petition at the last session, and in his affidavit, for his neglect or omission to ask payment of this claim from 1814 to 1846, but however satisfactory they may be to destroy any presumption unfavorable to the justice of the claim, arising from the long delay in preferring it, they are, in the opinion of the committee, insufficient to make the claim for *interest* rightful. The claimant is alone in fault for the delay as to the payment. The bill of last session allowed the interest, but in the bill now reported it is not allowed, and the settlement of the claim and the payment of such amount as the Fourth Auditor may decide to be due, not exceeding the principal sum claimed, is directed.